vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1938 OF 2006

Sitaram Sakhtu Chaurasia ... Petitioner

V/s.

The Municipal Corporation of
Greater Mumbai & Ors. ... Respondents

Mr.G.R. Mishra i/b M/s.Ashoka Law Firm for Petitioner
Ms.A.K. Savla for Respondent Nos.1, 2 and 3
Mr.Amjad Sayyed for Respondent Nos.4 and 8
Mr.R.S. Champawat for Respondent No.6
Mr.N.U. Khan for Respondent No.7

CORAM: **R.M. LODHA &**
SMT.NISHITA MHATRE, JJ.

DATED: **JANUARY 15, 2007**

P.C.:

. We heard the Counsel for the Petitioner and perused the averments made in the writ petition as well as the documents annexed thereto.

2. The grievance of the Petitioner is with regard to the unauthorised construction at Room No.10, 2nd floor of the building No.17 at Carpenter Street, Mumbai.

3. It appears that the Petitioner's complaint regarding the said unauthorised construction at Room No.10 was taken cognisance of by the Municipal authorities and notice under section 351 of the Mumbai

Municipal Corporation Act was issued against Respondent No.7.

4. From another document at page 39, it transpires that the Petitioner was informed that the unauthorised work has been removed by Respondent No.7 from Room No.10 in compliance of the notice under section 351 of the Mumbai Municipal Corporation Act. The Counsel for the Petitioner submits that the information given vide communication dated 17.11.2005 is not correct and that the unauthorised construction in Room No.10 and the passage leading thereto at the aforesaid address continues.

5. We do not intend to go into the merits of this allegations as in our view interest of justice shall be served if the concerned Assistant Commissioner of 'C' Ward inspects the site and confirms himself whether the unauthorised construction in Room No.10 or the passage leading thereto has been removed by the Respondent No.7 or not. If on his inspection, the Assistant Commissioner, 'C' Ward finds that there is no unauthorised construction in the said room or the passage, the matter shall stand closed. On the other hand, if any unauthorised construction is found in Room No.10 or the passage, the concerned Assistant

Commissioner shall initiate appropriate proceedings in accordance with law for removal of such unauthorised construction.

6. Writ Petition is disposed of accordingly.

(R.M. Lodha, J.)

(Nishita Mhatre, J.)